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22

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN JOSE DIVISION

26 CATERPILLAR INC., a Delaware
27 Corporation,

28 Plaintiff,

v.

29 RENN TRANSPORTATION COMPANY,
30 a California General Partnership, RENN
31 TRANSPORTATION, INC., a California
32 Corporation, BRAD RENN, PATRICIA
33 RENN, ANN RENN and, ROBERT
34 RENN, individuals, and Does 1-10,

35 Defendants.

36 Case No. 5:06-CV-04529

37 **STIPULATION AND PROPOSED ORDER
38 FOR RELIEF FROM SCHEDULING
39 ORDER**

40 **(Local Rule 16-2(D))**

1 By signatures of their counsel to this Stipulation, the parties to this action stipulate and
 2 request that the deadlines set forth in this Court's June 21, 2007 Scheduling Order be continued as
 3 set forth in the schedule below.

4 The parties desire to continue the dates set forth in the Scheduling Order for the following
 5 reasons:

6 1. On March 20, 2007, the parties conducted an all day mediation session before the
 7 Hon. Ellen Sickles James at JAMS. Although the parties did not resolve the dispute at the March
 8 20, 2007 mediation, the parties agreed to and did reconvene for a second mediation session on
 9 May 3, 2007. The parties, with the assistance of Judge James, have continued discussions and are
 10 optimistic that they will resolve their disputes. They are negotiating the final terms of a
 11 settlement agreement. Counsel for all parties desire to devote their time, energies, and resources
 12 to their efforts to resolve this matter, rather than expend resources completing tasks necessary to
 13 comply with the rapidly approaching deadlines (including discovery, expert witness, and
 14 dispositive motion deadlines) set forth in the Court's June 21, 2007 Scheduling Order.

15 2. This Stipulation and Proposed Order is not interposed for purposes of delay but in
 16 the interests of justice and the resolution of the controversies herein.

17 Case Schedule

18 Counsel for all parties have conferred with respect to these matters, and all parties agree to
 19 continue the dates set forth in the Court's prior Schedule as reflected below:

20 Defendants' Response to Third Amended Complaint	July 17, 2007 (continued from July 3, 2007)
22 Disclosure of Expert Witnesses	August 27, 2007 (continued from August 13, 2007)
23 Rebuttal Expert Witness Disclosures	September 17, 2007 (continued from September 4, 2007)
25 Last Day For Hearing On Objections To Qualifications Or Testimony Of Expert	October 22, 2007 (continued from October 8, 2007)
27 Close of All Discovery	October 29, 2007 (continued from October 15, 2007)

Last Day For Hearing Dispositive Motions	December 3, 2007 (continued from November 19, 2007)
Preliminary Pretrial Conference Statements	January 18, 2008 (continued from January 4, 2008)
Preliminary Pretrial Conference at 11:00 a.m.	January 28 2008 (continued from January 14, 2008)

Dated: July 3, 2007 FOLGER LEVIN & KAHN LLP

FOLGER LEVIN & KAHN LLP

/s/ Roger B. Mead

Roger B. Mead

Attorneys for Defendants

Renn Transportation Company, Renn Transportation, Inc. Brad Renn, Patricia Renn, Ann Renn and Robert Renn

Dated: July 3, 2007

SEDGWICK, DETERT, MORAN & ARNOLD LLP

/s/ Randall G. Block

Randall G. Block

Attorneys for Plaintiff Caterpillar, Inc.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HERBY ORDERED that the schedule set forth in this Stipulation and Proposed Order is hereby adopted by the Court and the parties are directed to comply with this Order.

Dated: July 5 , 2007

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The Honorable James Ware